



Atty. Dkt. No. 027478-0108

EFW  
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Roger SPINK  
Title: DEVICE AND METHOD FOR  
CONTROLLING THE  
BRIGHTNESS OR COLOR OF A  
SUPERIMPOSED IMAGE IN AN  
OPTICAL VIEWING DEVICE

Appl. No.: 10/024,278

Filing Date: 12/21/2001

Examiner: L. Fineman

Art Unit: 2872

**NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD  
OF PATENT APPEALS AND INTERFERENCES**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner in the Final Office Action dated November 9, 2004, and in the Advisory Action dated April 26, 2005, finally rejecting Claims 1, 3-9, 11-13, 15-28, and 30-45.

☐ Applicant claims small entity status.

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

☒ Notice of Appeal Fee

☒ To be paid as detailed below

☐ Not required (Fee paid in prior appeal)

05/10/2005 JADD01 00000021 10024278

01 FC:1401  
02 FC:1253

500.00 OP  
570.00 OP

The required fees are calculated below:

<input checked="" type="checkbox"/>	Notice of Appeal Fee	\$500.00
<input checked="" type="checkbox"/>	Extension for response filed within the third month:	\$1,020.00
<input checked="" type="checkbox"/>	Extension Already Obtained for second month:	\$450.00
	FEE TOTAL:	\$1,070.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract ½ of above):	\$0.00
	TOTAL FEE:	\$1,070.00

☐ Please charge Deposit Account No. 19-0741 in the amount of \$1,070.00. A duplicate copy of this transmittal is enclosed.

☒ A check in the amount of \$1,070.00 is enclosed.

☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741:

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

By

Martin J. Cosenza  
Attorney for Applicant  
Registration No. 48,892

Date May 9, 2005

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